

OFFICIAL

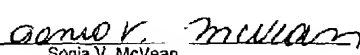
**SPECIAL PROCEDURES SUBMISSION****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted to  
Group Art Unit 2834, 703-872-9306, addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450.

Date: December 26, 2003

RECEIVED  
CENTRAL FAX CENTER

DEC 29 2003

  
Sonia V. McVeanPatent  
36856.415**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Toshikazu FUNAHARA et al.	Art Unit: 2834
Serial No.: 09/738,051	
Filed: December 15, 2000	Examiner: T. M. Dougherty
Title: ELECTRONIC COMPONENT MODULE AND PIEZOELECTRIC OSCILLATOR DEVICE	

**INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT AND TRADEMARK OFFICE  
2011 South Clark Place  
Customer Window, Mail Stop 313(c)  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Dear Sir:

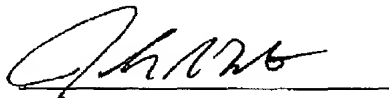
Pursuant to 37 C.F.R. § 1.56, submitted herewith are copies of four (4) references cited in the enclosed Examination Report issued in a corresponding Japanese patent application. For the Examiner's convenience, we have enclosed an English translation of the Japanese Examination Report and a completed Form PTO-1449. The statement is not a representation that all of the information cited is necessarily effective as prior art against the application.

U.S. Serial No. 09/738,051  
December 26, 2003  
Page 2 of 2

I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this statement, and that this is the first citation of these prior art references by a foreign patent office in a counterpart foreign patent application. Accordingly, no fee is necessary for the filing of this statement. Should the Commissioner determine otherwise, the Commissioner is authorized to charge Deposit Account No. 50-1353 for any fee shortages, including the petition fee under 37 C.F.R. § 1.17(p).

Applicants respectfully request that the disclosed references be made of record in the subject application.

Respectfully submitted,



Date: December 26, 2003

Attorneys for Applicant(s)

Joseph R. Keating  
Registration No. 37,368

Christopher A. Bennett  
Registration No. 46,710

**KEATING & BENNETT LLP**  
10400 Eaton Place, Suite 312  
Fairfax, VA 22030  
(703) 385-5200



File No. PA00267

Dispatch No. 423610 1/  
Dispatch Date: December 9, 2003

## NOTIFICATION OF REASONS FOR REJECTION

[Stamp: Received, 12/10/03, Nakano Patent]

[Handwritten note: Deadline: 2/9]

Patent Application No.: Patent Application No. 355534 of Heisei 11 [1999]  
Draft Date: November 27, 2003  
Patent Office Examiner: Takuya Imai 9169 4R00  
Agent of Patent Applicant: Masafusa Nakano  
Applicable Sections: Section 29 (1), Section 29 (2), Section 29<sup>bis</sup>, Section 36, and  
Section 37

The present application should be rejected for the following reasons. If you have an opinion concerning this, please submit a statement of opinion within 60 days of the date of dispatch of this notification.

## Reasons

1. The inventions claimed in the following claims of the present application are inventions that are described in the following publications, which were disseminated in Japan or in foreign countries prior to the filing of the application. Thus, in accordance with the provisions of Section 29 (1) (iii) of the Patent Law, these inventions cannot be patented.
2. The inventions claimed in the following claims of the present application are inventions that could easily have been invented prior to the filing of the application by a person having an ordinary knowledge of the technical field to which the inventions belong on the basis of inventions described in the following publications, which were disseminated in Japan or in foreign countries prior to the filing of the application. Thus, in accordance with the provisions of Section 29 (2) of the Patent Law, these inventions cannot be patented.
3. The inventions claimed in the following claims of the present application are the same as inventions described in the specification or drawings initially appended to the following patent application, which was filed prior to the filing date of the present application, and which was laid open following said filing; furthermore, the inventors of the present application are not the same as the persons who invented the above-mentioned inventions involved in the patent application filed prior to said filing, and the applicant at the time of the present application is not the same as the applicant of the above-mentioned patent application. Thus, in accordance with the provisions of Section 29<sup>bis</sup> of the Patent Law, the above-mentioned inventions cannot be patented.
4. The description of the claims of the present application does not satisfy the requirements stipulated in Section 36 (6) (ii) of the Patent Law in the following regards.
5. The present application does not satisfy the requirements stipulated in Section 37 of the Patent Law in the following regards.

Note (For cited references, etc., see the Table of Cited References, etc.)

- Claims 2, 4, and 5
- Reasons 1 and 2
- Cited Example 1
- Remarks:

[Stamp: Saitoh, 12/15/03, [Illegible]]

File No. PA00267

Dispatch No. 423610 2/

Dispatch Date: December 9, 2003

Cited Example 1: In particular, see [Figure 1] and [Figure 2] and the description related to these figures.

- Claim 3
- Reason 2
- Cited Examples 1 through 3
- Remarks:

It is recognized that varying the depths of the recessed parts is nothing more than a universally known technical matter, as described, for example, in Cited Examples 2 and 3 as well.

- Claims 2 through 4
- Reasons 1 and 2
- Cited Examples 2 and 3
- Remarks:

Structures similar to those of the inventions described in Claims 2 through 4 are described in Cited Example 2 (see especially [Figure 1] (a) and (b) and related description) and Cited Example 3 (see especially Figures 1 and 2 and description related to these figures). It is recognized that even if [the structures described in these claims] are not similar [to those described in the cited examples], they are in a range that is easy [to be devised].

- Claim 5
- Reason 2
- Cited Examples 2, 3, and 1
- Remarks:

It is recognized that laminating a vibrator package on an electronic part module is a universally known technical matter, as described in Cited Example 1 as well.

- Claims 2 through 4
- Reason 3
- Cited References, etc. 4
- Remarks:

Cited References, etc. 4: In particular, see [Figure 4] and the related description.

- Claim 4
- Reason 4
- Remarks:

The wording "more or less the same height" is found in the invention described in Claim 4, but the extent of the state of the matter specified by [the wording] "more or less" is unclear.

Therefore, the invention of Claim 4 is not clear.

- Reason 5

File No. PA00267

Dispatch No. 423610 3/  
Dispatch Date: December 9, 2003

## • Remarks

The object common to the invention described in Claim 1 and the invention described in Claim 2 is to increase the yield by the increased mechanical strength, but this object is a universally known technical object (it is inconceivable to ignore the mechanical strength in the technical field of electronic part modules), and not an unsolved problem at the time of the filing of the present application. Therefore, the two inventions do not satisfy the relationships of Section 37 (1) of the Patent Law.

Furthermore, the common structure described in Claims 1 and 2 (hereafter referred to as the "special item of the invention") refers to the accommodation of a circuit part in the recessed part, but this structure is a publicly already known structure as indicated in Cited Example 1. Therefore, there is no essential part that constitutes the new special item of the invention corresponding to the problem to be solved, so that the above-mentioned two inventions do not satisfy the relationships of Section 37 (2) of the Patent Law.

Moreover, the above-mentioned two inventions do not satisfy any of the other relationships stipulated in Section 37 (3), (4), and (5) of the Patent Law, either.

Because the present application violates the provisions of Section 37 of the Patent Law, the invention(s) according to the claim(s) other than Claims 2 through 5 have not been examined in terms of the requirements other than those [stipulated] in Section 37 of the Patent Law.

## Table of Cited References, etc.

1. Japanese Patent Application Kokai No. H11-220090
2. Japanese Patent Application Kokai No. H07-014941
3. Japanese Patent Application Kokai No. S53-021773
4. Japanese Patent Application No. H11-273095 (Japanese Patent Application Kokai No. 2001-102516)

-----  
Record of Results of Survey of Prior Art References

- Field surveyed: IPC 7<sup>th</sup> Edition  
H 01 L 25/00 – 25/18
- Prior Art References:
  1. Japanese Patent Application Kokai No. H08-094663

This record of the results of a survey of prior art references does not constitute any reason for rejection.

## &lt;Suggestions for Amendments, etc.&gt;

- (1) If amending the specification, underline the portions of the description where changes are made as a result of the amendment. (Regulation under the Patent Law, Format No. 13, Remark 6)
- (2) When making amendment(s), the fact that the amended item(s) are within the scope described in the initial specification at the time of filing should be indicated clearly and

File No. PA00267

Dispatch No. 423610

4/E

Dispatch Date: December 9, 2003

concretely in an Opinion Brief. In particular, when the wording that is not described in the initial specification at the time of filing is used, the reasons logically leading to that wording or the concept from the initial specification of the application, i.e., the reasons that the applicant has made a judgment that such amendment(s) are possible, should all be described in the Opinion Brief without any omission of intermediate [process].

(3) In cases where the description of the grounds for the amendment is found to be insufficient, such as when Item (2) above is not followed, or when there is a contradiction in the description of the grounds for the amendment, note that there may be cases in which this amendment is judged as an amendment that cannot be logically explained that this amendment is within the scope described in the initial specification at the time of filing (considered as an addition of a new item), and the applicant's opinions are inquired.

The Suggestions for Amendments, etc., described above are not intended to bring about any [particular] legal effect. The issue of how to amend the specification and drawing(s) should be determined by the applicant.

整理番号 PA00267

発送番号 423610 1/  
発送日 平成15年12月 9日

## 拒絶理由通知書

特許出願の番号

平成11年 特許願 第355534号

起案日

平成15年11月27日

特許庁審査官

今井 拓也

9169 4R00

特許出願人代理人

中野 雅房 様

適用条文

第29条第1項、第29条第2項、第29条の2  
、第36条、第37条

期限

2/9

まで

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

## 理 由

1. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の特許出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも、この出願の発明者がその出願前の特許出願に係る上記の発明をした者と同じであるから、特許法第29条第1項第3号に該当し、特許を受けることができない。
2. この出願の下記の請求項に係る発明は、その出願前日本国内又は外国において頒布された下記の特許出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも、この出願の発明者がその出願前の特許出願に係る上記の発明をした者と同じであるから、特許法第29条第2項の規定により特許を受けることができない。
3. この出願の下記の請求項に係る発明は、その出願の日前の特許出願であって、その出願後に特許公開がされた下記の特許出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも、この出願の発明者がその出願前の特許出願に係る上記の発明をした者と同じであるから、特許法第29条第2項の規定により特許を受けることができない。
4. この出願は、特許請求の範囲の記載が下記の点で、特許法第36条第6項第2号に規定する要件を満たしていない。
5. この出願は、下記の点で特許法第37条に規定する要件を満たしていない。

記 (引用例、引用文献等については引用文献等一覧参照)

- ・請求項 2、4、5
- ・理由 1、2
- ・引用例 1
- ・備考





整理番号 PA00267

発送番号 423610 2/

発送日 平成15年12月 9日

引用例1：特に【図1】 【図2】 及びこれらの図面の関係記載参照

- ・請求項 3
- ・理由 2
- ・引用例 1-3
- ・備考

凹部の深さを変えることは、例えば引用例2、3にも記載があるように周知の技術的事項にすぎないと認められる。

- ・請求項 2-4
- ・理由 1、2
- ・引用例 2、3
- ・備考

引用例2（特に【図1】(a)(b)及び関係記載参照）、引用例3（特に第1図、第2図及びこれらの図面の関係記載参照）には、請求項2-4に記載されてる発明と同様の構成が記載されている。仮に同様の構成で無くとも容易の範疇にあるものと認められる。

- ・請求項 5
- ・理由 2
- ・引用例 2、3、1
- ・備考

引用例1にも記載が有るように電子部品モジュール上に振動子パンケージを積層することは周知の技術的事項であるものと認められる。

- ・請求項 2-4
- ・理由 3
- ・引用文献等 4
- ・備考

引用文献等4：特に【図4】 及び関係記載参照

- ・請求項 4
- ・理由 4
- ・備考

請求項4に記載されている発明には「ほぼ同じ高さ」という記載があるが、「ほぼ」で特定される事項は、どの程度の状態まで示すのか不明である。

よって、請求項4に係る発明は明確でない。

- ・理由 5

整理番号 PA00267

発送番号 423610 3/  
発送日 平成15年12月 9日

・備考

請求項1に記載される発明と請求項2に記載される発明に共通する課題は、機械的な強度向上による歩溜まりの向上であるが、この課題は周知の技術課題であり（電子部品モジュールの技術分野において機械的な強度を無視することはない）、本願出願時未解決の課題ではないから、両発明は特許法第37条第1号の関係を満たさない。

また、請求項1、2に記載されている共通する構成（以下、発明特定事項という）は、凹部内に回路部品を納めたことであるが、当該構成は、引用例1に示したとおり既に公知の構成であるから、解決しようとする課題に対応した新規な発明特定事項である主要部が存在せず、上記両発明は、特許法第37条第2号の関係を満たさない。

さらに、上記両発明は、特許法第37条第3号、第4号、第5号に規定する他のいずれの関係も満たさない。

この出願は特許法第37条の規定に違反しているので、請求項2-5以外の請求項に係る発明については同法第37条以外の要件についての審査を行っていない。

## 引用文献等一覧

1. 特開平11-220090号公報
2. 特開平07-014941号公報
3. 特開昭53-021773号公報
4. 特願平11-273095号（特開2001-102516号）

-----  
先行技術文献調査結果の記録

・調査した分野 IPC第7版  
H01L 25/00 - 25/18

・先行技術文献

1. 特開平08-094663号公報

この先行技術文献調査結果の記録は、拒絶理由を構成するものではない。

## &lt;補正等の示唆&gt;

- (1) 明細書を補正した場合は、補正により記載を変更した個所に下線を引くこと（特許法施行規則様式第13備考6）。
- (2) 補正を行う場合は、その補正事項が出願当初明細書の記載の範囲内であることを意見書で具体的且つ明確に示されたい。特に、出願当初明細書に記載のない表現を使用する場合等は、出願当初明細書から当該表現や当該概念の導き出さ

整理番号 PA00267

発送番号 423610 4/E  
発送日 平成15年12月 9日

れた論理的な理由、つまり、出願人が当該補正を可能であると判断に至った理由を、途中の省略を行うことなく全て意見書に記載されたい。

(3) 上記(2)の事項を守らない場合、補正の根拠の説明に矛盾のある場合等、補正の根拠の説明についての説明が不足していると認められる場合は、当該補正が出願当初明細書の記載の範囲内であることが論理的に説明できない補正であると判断し(新規事項の追加とみなし)、出願人の意見を質す場合もあるので注意されたい。

上記の補正等の示唆は法律的效果を生じさせるものではない。明細書及び図面をどのように補正するかは出願人が決定すべきものである。